



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,762	03/24/2004	Joshua Jenkins	6247P001C	5904

7590 05/03/2005

Blakely, Sokoloff, Taylor & Zafman LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

NEGRON, ISMAEL

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/808,762

Applicant(s)

JENKINS, JOSHUA

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on March 4, 2005 has been entered. Claims 1, 3, 5 and 6 have been amended. Claim 2 has been cancelled. No claim has been added. Claims 1 and 3-6 are still pending in this application, with claims 1 and 5 being independent.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 1 recites the light fixture coupling brackets as being coupled to a "light bar coupling device" however, the specification is silent as to the specific nature, arrangement or function of such device.

Claim Objections

3. Claim 1 is objected to because of the following informalities: line 5 of the claim should read: "a first and a second tightening handle". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite as it is not clear what the limitation "a light bar coupling device" means. The term "a light bar coupling device" lacks antecedent basis in the specification and the claims fail to define the specific function that such element is performing, or its specific relationship with the other elements of the claimed invention. For Prior Art rejection purposes the Examiner assumed the claimed "a light bar coupling device" as providing an interface between the light fixture coupling brackets and an unclaimed light bar.

Claims 3 and 4 are indefinite as they depend from cancelled Claim 2. For Prior Art rejection purposes the Examiner assumed that the rejected claims were intended to be dependent from Claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over FINN et al. (U.S. Pat. 6,106,125) and ROSENTHAL (U.S. Pat. 4,504,888).

FINN et al. discloses an illumination device having:

- **a light box (as recited in claims 1 and 5), Figure 2, reference number 1;**
- **a light bar (as recited in claims 1 and 5), Figure 12, reference number 14;**
- **the light bar located within the light box (as recited in Claim 1), Figure 2;**
- **a plurality of light fixture coupling brackets (as recited in Claim 1), Figure 2, reference number 81;**
- **each of the coupling brackets being coupled to a light bar coupling device (as recited in Claim 1), as seen in Figure 2;**
- **the brackets being adapted to couple to the light bar (as recited in Claim 1), Figure 2;**
- **at least one light socket (as recited in claims 1 and 5), Figure 2, reference numbers 75-78;**
- **the light socket being mounted to the light bar (as recited in claims 1 and 5), column 4, lines 15-17;**
- **at least one removable adjustable gripping device (as recited in claims 1 and 5), Figure 1, reference number 83;**

Art Unit: 2875

- **the brackets being adapted to couple to the gripping device (as recited in claims 2 and 5), column 4, lines 55-59;**
- **the light fixture coupling brackets being adaptable to couple to a light bar bracket (as recited in Claim 4), as seen in Figure 2;**
- **the light bar bracket having at least one light set attaching pin (as recited in claims 4 and 6), Figure 2, reference number 90;**
- **the light attaching pin coupling to a removable light set (as recited in claims 4 and 6), as seen in Figure 2;**
- **the light box having a plurality of expansion rods (as recited in Claim 5), Figure 7, reference number 14;**
- **the light box having first and second frames (as recited in Claim 5), Figure 7, reference number 22; and**
- **the expansion rods being coupled to the frames (as recited in Claim 5), column 3, lines 14-17.**

FINN et al. discloses all the limitations of the claims, except:

- the gripping device being rotatably adjusted around said light box (as recited in Claim 1);
- each of the coupling brackets including a through-hole (as recited in Claim 1);
- first and second tightening handles (as recited in claims 1 and 5);
- each of the coupling brackets being coupled to a light bar coupling device (as recited in Claim 1);

Art Unit: 2875

- the gripping device being coupled with the first and second handles (as recited in claims 1 and 5);
- the adjustable gripping device including a gripping pin (as recited in claims 3 and 5);
- the gripping pin being coupled to a rear portion of the gripping device (as recited in claims 3 and 5);
- a first tightening handle (as recited in Claim 3);
- a second tightening handle (as recited in Claim 3);
- the tightening handles opposing one another (as recited in Claim 3);
- the tightening handles adjusts an angle of the adjustable gripping device in relation to the plurality of light fixture coupling brackets and the light box (as recited in Claim 3);
- the gripping pin is substantially centered on the rear portion of the gripping device (as recited in claims 3 and 5); and
- the gripping pin being removable from the gripping device (as recited in Claim 5).

ROSENTHAL discloses an illumination device having:

- **a light box (as recited in claims 1 and 5)**, Figure 2, reference number 10;
- **a light bar (as recited in claims 1 and 5)**, Figure 2, reference number 12;

- **a plurality of light fixture coupling brackets (as recited in Claim 1), Figure 2, support portion of reference number 15;**
- **first and second tightening handles (as recited in claims 1 and 5), Figure 16, reference number 99;**
- **each of the handles including a through-hole (as recited in Claim 1), as seen in Figure 16;**
- **each of the coupling brackets being coupled to a light bar coupling device (as recited in Claim 1), as seen in Figure 2;**
- **at least one light socket (as recited in claims 1 and 5), Figure 4, reference number 20;**
- **the light socket being mounted to the light bar (as recited in claims 1 and 5), column 3, lines 51-53;**
- **an adjustable gripping device (as recited in claims 1 and 5), Figure 2, reference number 11;**
- **the brackets being adapted to couple to the gripping device (as recited in Claim 1), column 3, lines 46-49;**
- **the gripping device being rotatably adjusted around said light box (as recited in Claim 1), column 3, lines 39-41;**
- **the gripping device being coupled with the first and second handles (as recited in claims 1 and 5), as seen in Figure 2;**
- **the brackets being adapted to couple to the gripping device (as recited in claims 2 and 5), as seen in Figure 2;**

- **the adjustable gripping device including a gripping pin (as recited in claims 3 and 5) Figure 2, reference number 16;**
- **the gripping pin being coupled to a rear portion of the gripping device (as recited in claims 3 and 5), as seen in Figure 2;**
- **a first tightening handle (as recited in Claim 3) Figure 2, reference number 15;**
- **a second tightening handle (as recited in Claim 3) Figure 2, reference number 15;**
- **the tightening handles opposing one another (as recited in Claim 3), as seen in Figure 2;**
- **the tightening handles adjusts an angle of the adjustable gripping device in relation to the plurality of light fixture coupling brackets and the light box (as recited in Claim 3), column 3, lines 39-45;**
- **the gripping pin being substantially centered on the rear portion of the gripping device (as recited in claims 3 and 5), as seen in Figure 2; and**
- **the gripping pin being removable from the gripping device (as recited in Claim 5), column 3, line 42.**

It would have being obvious to one of ordinary skill in the art at the time the invention was made to use the adjustable gripping device of ROSENTHAL as the

support of the light box of FINN et al. to enable the light box to be easily aimed in any desired direction, as per the teachings of ROSENTHAL (column 3, lines 39-45).

Regarding a through-hole being included in each of the claimed coupling brackets (as recited in Claim 1), as opposed to such through-hole being located in the handles (as disclosed by ROSENTHAL), the applicant is advised that it would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the through-hole in the coupling brackets instead of the handles, since it has been held by the courts that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955). In this case, ROSENTHAL discloses first and second handles 99 each having a through-hole coupled to a screw 101 of the coupling bracket 15, for providing engagement between the light box 10 and the adjustable gripping device 16. Reversing the location of the screw/through-hole would have flown naturally to one of ordinary skill in the art.

Regarding FINN et al. not disclosing a light socket, it would have being obvious to one of ordinary skill in the art at the time the invention was made that the lights 75-78 of FINN et al. included a light socket, as the use of such socket is not only old and well known in the illumination art, but a standardized practice. Light sockets are widely used to provide a fast, removable and electrically/mechanically reliable way of coupling light sources to their support structures.

Response to Arguments

6. Applicant's arguments filed March 4, 2005 have been fully considered but they are not persuasive.

7. Regarding the Examiner's rejection of claims 1 and 5 under 35 U.S.C. 103(a) as being unpatentable over FINN et al. (U.S. Pat. 6,106,125) and ROSENTHAL (U.S. Pat. 4,504,888), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically the FINN et al. reference not featuring an "*integrated light bar*", or neither FINN et al. or ROSENTHAL having a light bar including at least one light socket. In addition, the applicant cites, verbatim, most of the language of claims 1 and 5 as a list of the features not disclosed by the FINN et al. and ROSENTHAL patents.

8. Regarding the Examiner's rejection of claims 3, 4 and 6 under 35 U.S.C. 103(a) as being unpatentable over FINN et al. (U.S. Pat. 6,106,125) and ROSENTHAL (U.S. Pat. 4,504,888), the applicant presents no arguments, except stating that such claims depend directly or indirectly from independent claims 1 or 5 and would be allowable when/if the independent claims are allowed.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*integrated light bar*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993). In this case, FINN et al. discloses a light bar 14 (as admitted by the applicant in page 9, lines 4 and 5 of the response), such light bar including a plurality of lights 75-78, See Figure 2 of FINN et al.

While the applicant might be argued that the light bar 14 of FINN et al. is not “*an integrated light bar*”, such argument, even if considered meritorious in *arguendo*, lacks any relevance since such “integrated light bar” feature is not claimed.

10. In response to applicant’s arguments that FINN et al. and ROSENTHAL fail to disclose the light bar including at least one light socket, the applicant is respectfully reminded that the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

FINN et al. shows in Figure 2 a light box including a light bar 14, such light bar 14 having a plurality of lights 75-78 attached to the light bar 14. The light bar 14 and the lights 75-78 are located inside the light box.

ROSENTHAL shows in Figure 2 a light box 10 including a light bar 12 supporting a plurality of lights 13 inside the light box. The light bar 12 also includes a light socket 20 for detachably receiving the lights 13. See column 4, lines 8-23.

As detailed in Section 3 of the instant Office Action, one of ordinary skill would have recognized that the lights 75-78 of FINN et al. to include such light socket, or at least recognize the advantages of providing such light socket to the structure of the combined teachings of FINN et al. and ROSENTHAL, specially in light of ROSENTHAL statements (column 4, lines 8-23).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached at (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2875

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.


Inr

April 28, 2005


JOHN ANTHONY WARD
PRIMARY EXAMINER